

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43 *bis*.1)

Date of mailing
(day/month/year) **03 APR 2009**

Applicant's or agent's file reference
16223-PENDING

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/US 09/00294

International filing date (day/month/year)
16 January 2009 (16.01.2009)

Priority date (day/month/year)
16 January 2008 (16.01.2008)

International Patent Classification (IPC) or both national classification and IPC
IPC(8) - G06F 17/00 (2009.01)
USPC - 700/242

Applicant HY-KO Products Company

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1 *bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-3201

Date of completion of this opinion
26 March 2009 (26.03.2009)

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed.
 - ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-17	YES
	Claims	1	NO
Inventive step (IS)	Claims	none	YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims	none	NO

2. Citations and explanations:

Claims 1 lack novelty under PCT Article 33(2) as being anticipated by US 2001/0056385 A1 to Timms et al. (hereinafter 'Timms').

Regarding claim 1, Timms discloses an interactive retail identification system for identifying a retail object based upon known or identified features of master object (see abstract), said system comprising: a graphical user interface comprising a computer display screen for displaying a plurality of input fields related to a retail object (see Fig 1 and para [0039]), each said input field having at least one retail object variable capable of being chosen (see Fig 2 and para [0042], [0066]); and an input device for selecting said at least one retail object variable based upon a physical inspection of a known master object having known or identifiable features (see Fig 1, 2 and para [0039], [0042] -- "selection pages", which allow the user to select one out of numerous different types or groups of fasteners); a database for identifying a specific retail object equivalent to the master object through comparison of the retail object variables (see Fig 2 and para [0042] -- 'data pages 200'); and a plurality of compartments for holding retail objects based upon the retail object variables (see para [0051]; see also para [0067]); and an indicator for identifying the compartment having the retail object identified by the database as equivalent to the master object (see Fig 5 and para [0051] -- 'Location/package information section 284 indicates where UNC grade 2 hex bolts may be found').

Claims 2-15 lack an inventive step under PCT Article 33(3) as being obvious over Timms in view of US 6,959,862 B2 (Neumark).

Regarding claim 2, Timms discloses the system of claim 1. Timms does not disclose tracking component for recording and monitoring variables related to utilization of the system. However, Neumark discloses tracking component for recording and monitoring variables related to utilization of the system (see col 5, ln 49-54; see also col 6, ln 50-60). It would have been obvious to one skilled in the art to combine the method of Timms with the tracking component of Neumark, because Timms and Neumark are directed to systems and method for retail product identification and location (see abstracts). Furthermore, users benefit from methods that include tracking components, because such methods facilitate 'stock information for each type of fastener' (see Timms para [0079]).

Regarding claim 3, Timms and Neumark discloses the system of claim 2. Neumark further discloses wherein the variables recorded and monitored by the tracking component include information related to inventory levels of the retail objects in the compartments (see col 6, ln 50-60).

Regarding claim 4, Timms and Neumark discloses the system of claim 3. Timms further discloses wherein the system operates over a computerized network (see para [0038]).

Regarding claim 5, Timms and Neumark discloses the system of claim 4. Timms further discloses wherein the database is selectively updated via the computerized network and wherein the computerized network is selected from the group consisting of: a local area network, a wide area network and the internet (see para [0038]).

Regarding claim 6, Timms and Neumark discloses the system of claim 5. Timms further discloses wherein the tracking component transmits the variables related to utilization of the system over the computerized network (see para [0077], [0079]).

Regarding claim 7, Timms and Neumark discloses the system of claim 6. Timms further discloses a user help component for providing the user with assistance in operating the system (see Fig 3 -- user is instructed to touch the appropriate fastener type; see also Fig 4-15 -- examples of user interface).

Regarding claim 8, Timms and Neumark discloses the system of claim 7. Timms further discloses wherein the retail object is a fastener article (see Fig 3 and para [0037]).

Regarding claim 9, Timms and Neumark discloses the system of claim 8. Timms further discloses wherein the fastener article is selected from the group consisting of: a screw, a nut, a bolt, a washer, a pin, or a hook (see para [0002]).

Regarding claim 10, Timms and Neumark discloses the system of claim 9. Neumark further discloses a verification system for confirming that the retail object matches the features of the master object (see Fig 1 and col 6, ln 29-33 -- 'confirm satisfactory operation of the identification labels as well as the specific information being displayed').

--Continued --

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box No. V-2. Citations and explanations:

Regarding claim 11, Timms and Neumark discloses the system of claim 10. Neumark further discloses wherein the verification systems comprises a radio frequency identification system (see Fig 4 and col 8, ln 61 -- 'radio frequency identification tag 30').

Regarding claim 12, Timms discloses the system of claim 1. Timms does not disclose wherein the indicator comprises at least one light which is illuminated indicating the selection of a retail object. However, Neumark discloses wherein the indicator comprises at least one light which is illuminated indicating the selection of a retail object (see Fig 5 and col 8, ln 37-46). It would have been obvious to one skilled in the art to combine the method of Timms with the illuminating indicator of Neumark, because Timms and Neumark are directed to systems and method for retail product identification and location (see abstracts). Furthermore, users benefit from methods that include illuminating indicator, because such methods facilitate assisting a customer to 'find where the product is located' (see Timms para [0004]).

Regarding claim 13, Timms and Neumark discloses the system of claim 12. Neumark further discloses wherein the indicator further comprises: an LCD display capable of displaying information related to the identified retail object (see Fig 1 and col 6, ln 4-10).

Regarding claim 14, Timms and Neumark discloses the system of claim 13. Neumark discloses wherein the LCD display is capable of displaying the price of the retail object (see Fig 1 and col 4, ln 37).

Regarding claim 15, Timms and Neumark discloses the system of claim 14. Timms further discloses wherein the input device is a touch screen (see Fig 1 and para [0039]).

Claims 16 and 17 lack an inventive step under PCT Article 33(3) as being obvious over Timms in view of US 2005/0216120 A1 to Rosenberg et al. (hereinafter 'Rosenberg').

Regarding claim 16, Timms discloses the system of claim 1. Timms does not disclose wherein the plurality of compartments comprises at least one spiral compartment capable of holding retail objects organized by retail object variables. However, Rosenberg discloses wherein the plurality of compartments comprises at least one spiral compartment capable of holding retail objects organized by retail object variables (see Fig 2A and para [0081] -- 'Cells' arrangement 30' with 'carousel-like configuration'). It would have been obvious to one skilled in the art to combine the method of Timms with the spiral compartments of Rosenberg, because Timms and Rosenberg are directed to systems and method for retail product identification and location (see abstracts). Furthermore, users benefit from methods that include spiral compartments, because such methods facilitate assisting a customer to 'find where the product is located' (see Timms para [0004]).

Regarding claim 17, Timms and Rosenberg discloses the system of claim 16. Rosenberg further discloses a motor operably connected to the spiral compartment and capable of rotating the spiral compartment to reveal spiral compartments having the identified retail object (see Fig 2A and para [0085] -- 'drive assembly 40').

Claims 1-17 have industrial applicability as defined by PCT Article 33(4), because the subject matter can be made or used in industry.